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MAR 29 2005

OFFICE OF PETITIONS

In re Application of :
Karthikeyan Ramasamy, Jie-Bing Yu :
and Jun Li : DECISION REFUSING STATUS
Application No. 09/449,085 : UNDER 37 CFR 1.47(a)
Filed: November 24, 1999 :
For: QUERY MONITOR PLAYBACK
MECHANISM FOR POST-MORTEM
PERFORMANCE ANALYSIS

This is in response to the "Petition Under 37 CFR 1.47(a)," filed May 8, 2000 (Certificate of Mailing date: May 4, 2000). The petition was recently forwarded to this office for consideration.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on November 24, 1999 without an executed oath or declaration and naming Karthikeyan Ramasamy, Jie-Bing Yu and Jun Li as joint inventors.

Accordingly, on January 4, 2000, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, and a surcharge for its late filing.

In response, on May 8, 2000, the instant petition and a two (2) month extension of time were filed.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee; and
- (4) a statement of the last known address of the non-signing inventor.

Applicant lacks item (2), as set forth above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration does not set forth the citizenship or residence of the non-signing inventor. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 is REQUIRED. See MPEP 409.03(a).

Additionally, please note, the citizenship of the non-signing inventor must be provided as it is a statutory requirement under 35 USC 115.

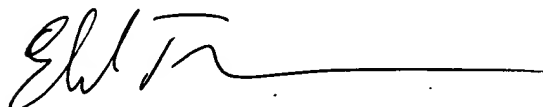
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 Box 1450
 Alexandria, VA 22313

By FAX: (703) 872-9306
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By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3228.

A handwritten signature in black ink, appearing to read 'EJ Tannouse', followed by a long horizontal line.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office